

S. 1738, the Combating Child Exploitation Act **(aka, the PROTECT Our Children Act)**

Oprah Winfrey recently aired a show about child exploitation, featuring Ed and Elizabeth Smart. On that show, Ed Smart endorsed S.1738, and Oprah encouraged viewers to contact their representatives about the bill, providing a link to www.senate.gov on her website. Another show, set to air on Monday, will reiterate the message.

Background — S. 1738, sponsored by Senator Biden, passed the Senate Judiciary Committee in May, after several members expressed concern over its more than \$1 billion authorization. Although sponsors were negotiating the bill with concerned members, Majority Leader Harry Reid included it in the \$10 billion omnibus (S. 3297) that combined nearly 40 unrelated bills. The version of S. 1738 that was included in the omni was not the same as the bill that passed Committee. Among other changes, authorizations were reduced to \$320 million.

The Combating Child Exploitation Act stalled after the Senate failed to proceed to the omnibus (Record Vote No. 189). Subsequent attempts to revive and pass the bill failed after Democrats twice rejected attempts to pass the bill as part of a more comprehensive package aimed at protecting children from online exploitation.

S. 3344 — Protecting Children from Pornography and Internet Exploitation Act

This bill combines the Combating Child Exploitation Act (as it appeared in the omni)¹ with the SAFE Act (H.R. 3791), a bipartisan bill that would expand the requirements for electronic service providers (ESPs) to report on-line child pornography, helping to root out people selling, trading, or displaying illegal pornographic images of children.

- The SAFE Act overwhelmingly passed the House on December 7, 2007, by a vote of 409-2, but has stalled in the Senate. It is strongly supported by the National Center for Missing and Exploited Children.

The Senate has had two opportunities to pass both seminal bills to combat child exploitation — S. 1738 and the SAFE Act — but Democrats have objected.²

Comprehensive legislation to combat child exploitation must include both S. 1738 and the SAFE Act. Both enjoy broad bipartisan support, and there is no reason they should not pass before the end of the 110th Congress.

¹ S. 3344 actually includes all three of the omni's subtitles related to child exploitation, which appeared in Title II. Those were: subtitle D, the Effective Child Pornography Prosecution Act, subtitle E, the Enhancing the Effective Prosecution of Child Pornography, and subtitle H, the PROTECT Our Children Act.

² July 28, 2008, at Cong. Record S7554 and July 31, 2008, at Cong. Record S7882.